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C O N F I D E N T I A L ABUJA 001998

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [MCAP](#) [KCOR](#) [NI](#)

SUBJECT: EMBASSY OFFICER BARRED FROM "PUBLIC" COURT MARTIAL

REF: IIR 6 871 0002 05

Classified By: PolCouns James Maxstadt for Reasons 1.4 B and D.

1. (C) Summary: The court martial continues of three Nigerian Rear Admirals allegedly involved in the disappearance from naval custody of the tanker MT African Pride, which had been seized with a cargo of stolen crude oil. The GON has said the court martial proceeding is open to the public, but naval officers prevented Embassy PolMilOff from attending the first session November 9 even though they let press reporters attend freely. The National Assembly's House of Representatives is also investigating the MT African Pride scandal, a bellwether of GON attempts to staunch corruption and the billion-plus USD oil theft industry. End Summary.

2. (U) PolMilOff attempted to observe the public November 9 court martial proceedings of three senior Nigerian naval officers:

Rear Admiral Antonio Bob-Manuel, former Deputy Commandant of the Command and Staff College, Jaji;

Rear Admiral Francis Agbiti, Chief of Training and Operations, Nigerian Navy; and

Rear Admiral Samuel Kolawole, former Flag Officer Commanding, Western Naval Command.

3. (C) They are accused of several offenses ranging from incompetence to bribery in a case centered on the oil theft industry in Nigeria, an billion-plus USD illicit industry referred to in Nigeria as "bunkering." On October 8, 2003, the Nigerian Navy patrol craft NNS Nwamba arrested the MT African Pride and crew on suspicion of illegal oil bunkering. The ship was loaded with approximately 15000 DWT of crude oil and the crew was composed of Russians, Romanians, Poles, and a few Nigerians. On January 24, 2004, President Obasanjo reportedly instructed that the ship be turned over to police custody. The crew was detained on shore, "for their protection" and also for prosecution.

4. (C) On August 4, 2004, the MT African Pride crew returned to the ship, weighed anchor and left port. The ship disappeared. The navy claims it had turned the ship over to the police, but cannot provide any record of transfer. The police claim they never received the ship. On October 4, the three admirals were relieved of their duties and on October 27, the court martial convened. Naval officers encountered at the court martial said they expect the proceeding to last for several months. The court martial has been billed as an open event due to the high level of public interest, and the House of Representatives is conducting a investigation that will include public hearings.

5. (C) PolMilOff sought to enter the first hearing on November 9. He identified himself as an Embassy Officer, and for 45 minutes a variety of Navy officers, up to the rank of Commander, informed him that while the proceedings were open, that did not apply to diplomats. The military officers did inform PolMilOff that several news reporters had been allowed to enter the proceedings.

6. (C) Admiral Kolawole asked the Federal High Court in Lagos to stop the Military Tribunal proceedings on procedural grounds, but the High Court refused on November 25. Embassy observer missed the first hearing before the House of Representatives Navy Committee November 23, where former Minister of Defense (Navy) Dr. Olu Agunlye reportedly told the committee that he had been approached to help secure release of the MT African Pride, but had given up when Adm. Bob-Manuel told him the ship was legally impounded. CAMPBELL